

PROB 12C
(7/93)

United States District Court

for the

Eastern District of Washington

Report Date: April 21, 2010
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR 21 2010

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Justin Robert Gallagher

Case Number: 2:09CR00035-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 1/17/2008

Original Offense: Failure to Pay Legal Child Support, 18 U.S.C. § 228(a)(3)

Original Sentence: Probation - 60 Months

Type of Supervision: Probation

Asst. U.S. Attorney: Aine Ahmed

Date Supervision Commenced: 1/17/2008

Defense Attorney: Roger Peven

Date Supervision Expires: 1/16/2013

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Special Condition # 14:** You shall reside in a residential reentry center for a period of up to 180 days. This placement may include a prerelease component, day reporting, and home confinement (with or without electronic monitoring, but not to include GPS) at the directions of the CCM and USPO. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

Supporting Evidence: Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by violating the rules of, and being removed from, the Franklin County Residential Reentry Center (RRC) on April 19, 2010.

The defendant was found to be under the influence of alcohol while at the Franklin County RRC on April 18, 2010. By violating the the no tolerance rule for alcohol, the defendant was removed from the facility on April 19, 2010.

Prob12C

Re: Gallagher, Justin Robert

April 21, 2010

Page 2

- 2 **Special Condition # 20:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

Supporting Evidence: Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by failing to report for substance abuse treatment on April 19, 2010.

The Defendant completed a substance abuse assessment on February 23, 2010, and was assessed as needing intensive outpatient treatment. The defendant was attending group sessions 3 days a week for 3 hours. The defendant was transferred to relapse prevention on April 12, 2010, and was directed to meet every Monday and Thursday for 2 hours. After being removed from the RRC the defendant failed to report for his scheduled session on April 19, 2010, and did not attempt to contact First Step Community Counseling Services or the probation office to discuss any issues which might prevent him from attending.

- 3 **Special Condition # 21:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by failing to report for random urinalysis testing on March 17, and March 23, 2010.

- 4 **Special Condition # 22:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Justin Gallagher is considered in violation of his period of supervised release in the Eastern District of Washington by using alcohol on or prior to April 18, 2010.

On April 18, 2010, the defendant was outside of the Franklin County RRC building with several other inmates. A correctional officer directed the group to reenter the building and the defendant was noted as being "slow to react and his face appeared awkward and flushed." After entering the dorm area of the facility there was a strong odor of alcohol which the officer could smell. The officer located a Gatoraid bottle with alcohol which another inmate had in his possession. The defendant and the other inmate were directed to take a portable breathalyzer test. The defendant blew a .131 and .138. The next morning the defendant was removed from the facility.

Prob12C

Re: Gallagher, Justin Robert

April 21, 2010

Page 3

The U.S. Probation Office respectfully recommends the Court issue a summons for the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

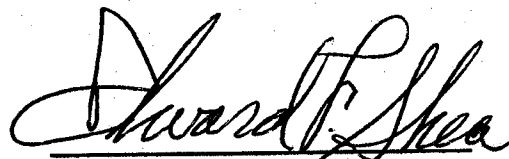
Executed on: 04/21/2010

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

4/21/10
Date